

**VILLAGE OF COMMERCIAL POINT  
COUNCIL MEETING MINUTES  
September 8, 2014**

Mayor Hammond called the meeting to order, followed by the Pledge of Allegiance. Mayor Hammond then asked for a Moment of Silence to honor our Men and Women; Past and Present; for their Military Service to our Country. Fiscal Officer Hastings took roll call with the following members present: Mr. Wissinger, Mr. Sadler, Mr. Geiger and Mr. Laxton. Solicitor Hess was also in attendance. Engineer Grosse, Chief Jordan, Mr. Shelton and Ms. Evans were absent.

Mr. Sadler made a motion, seconded by Mr. Laxton to approve the July 28, 2014 Special Council Meeting Minutes. All members were in favor. The motion passed.

Mr. Geiger made a motion, seconded by Mr. Sadler to approve the August 4, 2014 Regular Council Minutes. All members were in favor. The motion passed.

**Administrative Reports:**

- A. Mayor's Report – Mayor Hammond had nothing at this time.
- B. Village Engineer's Report – No report
- C. Village Solicitor's Report – Solicitor Hess said that we had 3 pieces of legislation for Council to consider tonight. He said by statute, when the Village writes a citation for an OVI, drunk driving charge, it goes to Municipal Court. He said Municipal Court is required to send back to the Village a portion of the cost, \$ 25 for the first offense and goes up from there. He said this money is to be placed into a fund that is for enforcement and education for law enforcement in the community. Solicitor Hess said to date, this has not happened therefore we are needing to create a fund for these monies. He said we will be presenting follow up legislation to transfer the funds that have been deposited into the General Fund into this newly created fund. He said Fiscal Officer Hastings has figured how much money will need to be transferred. Solicitor Hess said the second piece of legislation is for the budget commission. Solicitor Hess said the third piece of legislation is due to the fact that we have a little bit of conflict between our pay scale and our ordinance pertaining to the part time police officer position. He explained that the pay scale says we have a police chief, police sergeant and police officer all at 30 hours a week. In addition, we have an officer position that is listed as a \$ 12.00 per hour position working less than 30 hours a week. He said our current ordinance reflects this position as a 16 hour a week position. He said we are trying to clean up this difference. He said the proposed ordinance is asking for the position to be moved from a 16 hour position to giving the flexibility to the Chief to be able to schedule up to 29 hours if needed. He said there will be some budgeting issues for next year, however this year will be fine.
- D. Police Department Report – No report
- E. Village Administrator – No report
- F. Fiscal Officer Report – Fiscal Officer Hastings gave the following report: Balances as of August 31, 2014 are as follows: General Fund - \$ 946,763.31; Street Construction Maintenance and Repair – \$ 189,505.95; State Highway - \$ 14,549.28; Parks and Rec - \$ 2,908.57; Permissive Motor Vehicle – \$ 7,484.22; Housing Development - \$ 15,776.07; Water Operating - \$ 1,926,040.54; Sewer Operating - \$ 1,769,292.18; Garbage Operating - \$ 18,970.26.

**Legislative Reports:**

- 1. Randy Shelton – Nothing to report
- 2. Nicole Evans – Nothing to report
- 3. Clarence Wissinger – Nothing to report
- 4. David Sadler – Mr. Sadler he made a visit to the Utility Plant. He said he was able to see the well drilling in progress. He said he is very impressed with every visit he makes to the plant.
- 5. Mark Geiger – Mr. Geiger said he did a ride-a-long with Officer Kelly. He said it was a very good experience. He said Officer Kelly showed him the ins and outs of his job during their 2 hours together. He said he learned a lot about what the officers do. He said he has always respected them, but now feels he knows a little bit more of what their job entails. He suggested to any Council member that hasn't done a ride-a-long, to check it out.
- 6. Brad Laxton – Mr. Laxton was pleased to announce the stop signs at the intersection of Chestnut Estates and Cottonwood Place are now up. He said he appreciated Mayor Hammond getting the work done. Mayor Hammond said Jonathon Thompson also helped in getting the job completed.

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At this time, Mayor Hammond opened the floor for citizen's comments. Ms. Becky Blevins of 34 Main Street asked about the ditch along her property being cleaned and for an update on the alleys being closed. Solicitor Hess said he was working with Engineer Grosse on the alleys being vacated. He said the paperwork is being drawn up to get this done. He said there is a lot of engineering, legal descriptions and filing with the Pickaway County Engineer's Office that needed to be done before we bring it in front of Council. He said he anticipates this being done within the next couple of months. Ms. Blevins asked if the legal descriptions would show new property pins. Solicitor Hess said Engineer Grosse would be the best one to answer that question. Solicitor Hess said Ms. Blevins would be notified once everything was ready to be recorded so that she could get a copy of what is being recorded. Mayor Hammond said to his knowledge, Mr. Sark has been doing work for our Village and he and Engineer Grosse were getting together pricing for the clean out of the ditches. Mayor Hammond said the ditch along Ms. Blevins' property was included. He said the last information he had was they were working on pricing for two ditches in the Village to be cleaned out. Ms. Blevins feels this has drag on long enough. Ms. Blevins asked if all the property owners will get notification on the closing of the alleys. Solicitor Hess said Ms. Blevins will get notice because she has been attending the meetings and asking questions. He wasn't sure if a public hearing was needed or not. He said that is an issue that he is still working on. Ms. Blevins asked if the meeting would be held in the next couple of weeks. Solicitor Hess said it would not be.

At this time, Ms. Nancy Geiger asked Council if a date for Trick or Treat had been set yet. She said there is a lot of drama happening on social media over this date. Mayor Hammond said for whatever reason, Council has set the date and times for Trick or Treat. He said Council did pass a resolution giving him or the Village Administrator the authority to change the day and time due to bad weather, however Council sets the original day and time. Mayor Hammond said he was instructed when he came on board that Trick or Treat was on Halloween. Mayor Hammond said it is up to Council if they want to stay with the 100 year old tradition of having it on Halloween. Mr. Sadler asked Ms. Geiger what the concerns were. She said it was because it is football Friday night and people wouldn't be home to pass out candy. Fiscal Officer Hastings said she has received several calls in the office asking when and what time Trick or Treat was going to be. She said the people didn't care when, they just would like to know so they can plan a vacation day if needed. Mayor Hammond said if Council would like a recommendation based on his experience last year, he recommends having it on October 31, 2014 from 6:00 p.m. – 8:00 p.m. Mr. Sadler said he likes the idea of keeping it on October 31. Mr. Sadler made a motion, seconded by Mr. Geiger to have Trick or Treat on October 31, 2014 from 6:00 – 8:00 p.m. All members were in favor. The motion passed.

At this time, Mr. Scott O'Neil thanked Council for keeping Trick or Treat on October 31, 2014. He thinks it is a great idea. He said just a tidbit of information, MORPC likes it to be held on the 31<sup>st</sup> unless it is on a weekend and then they prefer it to be on the Thursday before. Mr. O'Neil asked Solicitor Hess if he had had time to review the magazine article that he had given him. Solicitor Hess said he had and he then informed Council that the article was pertaining to Facebook and the posts that were made by members of the Village. He said a concern since he has been with the Village has been whether those posts were subject to public records or not. He said there were some public record requests made several months ago regarding some statements made by a Village employee that he declined based on the provision in the public records that says it we are only responsible to supply records that are kept by us. Solicitor Hess said the comments were made on the Commercial Point Forum which is hosted by a private citizen and not on a site that we maintain. He declined the request due to the fact those records were not kept by us. Solicitor Hess said the article talked about law enforcement and basically government in general that are struggling with the issue of what is public records and how do you maintain those sites if you are law enforcement. He said law enforcement agencies have gone to social media to alert citizens of road closures, weather advisory and those types of things. He said the article was geared around agencies that have or maintain their own sites. He said the article talked about third party agencies that would assist government offices in collecting and maintaining information for those sites. Solicitor Hess said he doesn't feel this article answered our question since we do not have our own social media site. He said ours relates to an employee making a comment on an individual's site. He still feels this is an unresolved question. He said he has searched Lexis/Nexis, which is a tool that attorneys use to look at other cases, and can't seem to find an answer. He said he has found a few cases, however they don't seem to match what we have going on. He said this is an ongoing issue and he will continue to research. Mr. O'Neil said he didn't feel it was a perfect match either but it was more information than what we have had. Solicitor Hess said that if he does receive information on a similar case that he can provide and answer for Council, he will do so. Mr. O'Neil asked if there had been any thoughts of the Village making its own page and that way it would be official. Mr. O'Neil referenced the Facebook page that Grove City has. He said it keeps the residents informed and is very well done. Solicitor Hess said he has mixed feelings about it. He said it is a good way to get information out to the public but then feels it may turn into a gossip session with complaints, unfounded accusations, and he said she said things that go out on the internet. Mr. O'Neil said perimeters could be set as to who can post. Solicitor Hess said that is something Council can explore

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if they choose. Mayor Hammond asked Village Administrator Shelton for her thoughts. She said they have looked into the Village having their own Facebook page. She said perimeters could be set to only allow Council members, the Mayor or Village Administrator to post to the site and allow no responses to the posts. She said that would stop the negativity that occurs on all forums. Mayor Hammond asked Village Administrator Shelton if she wasn't already posting events and other items of value to our official Commercial Point website. Village Administrator Shelton said she was. She did say that getting information out via Facebook was a lot easier. Mr. O'Neil feels it is a lot easier for Ms. Shelton to post things because she can do it right from her phone rather than having to go home and get on her computer to post to the website. Ms. Shelton agreed. Mr. O'Neil said it was just a thought. Village Administrator Shelton said it was a reasonable thought as long as they can prevent discussions. She said monitoring the page is a full time job, however if we are going to be the only ones allowed to post, she doesn't have a problem with that. She said people could go to the page and find out information quickly and easily and know that it is legitimate. Mr. O'Neil said there could be a policy along with the page and the information would then be public record. Mayor Hammond said he had a concern with what if a member of Council, Wendy or the Mayor himself went on the page and posted something that was not agreeable or even close to what was discussed to be posted. Mr. O'Neil said that is where the Facebook policy would come into play and be able to govern what, where and how things could be posted as well as have repercussions if you do post something that shouldn't be posted. Mayor Hammond said his concern was someone wake up in a bad mood and post something that would embarrass the entire Village. He said with the website, we have one person that has control of the postings. He said if he needs something posted, Village Administrator Shelton will post it on the website and document that it was approved by the Mayor. Solicitor Hess said that is what Mr. O'Neil was saying. Guidelines could be set into the policy. Mayor Hammond asked what was wrong with what we are doing now. Solicitor Hess said he wasn't saying anything we are doing now is wrong or that Facebook is right. He said he was just addressing the concerns. He said if Council was so inclined to go the Facebook route, you could have guidelines. Village Administrator Shelton said she feels the timeliness is a problem. She has to wait until she gets home to be able to post anything to our website since she does not have access from her computer at work. She said if there was something going on, it would be easier to be able to post something on Facebook from her phone. She said to get information out that is needed in a timely fashion, she posts on the Facebook forum because everyone uses Facebook. She said as much as we hate it, sometimes it is a good tool for getting out information quickly. Mr. O'Neil used Trick or Treat for an example. If Ms. Shelton is at work until 4:00 p.m. and at 3:00 p.m. a big storm is brewing, Ms. Shelton could post immediately from her phone that the day and time has been changed due to weather. The way it is now, she wouldn't be able to post anything to our website because she is still at work at 4:00 p.m. and by the time she gets home at 5:00 – 5:30 p.m., it is too late. Mayor Hammond said the announcement was done on the Forum last year and everyone knew quickly. Mr. O'Neil said the advantage to having our own page is, it cuts the bashing out. All the important information still gets out to the residents, without the bashing. Solicitor Hess said if Council chooses to have their own Facebook page, he feels they should keep the website as well. Village Administrator Shelton feels the same way. She said there are people who do visit the website looking for information. She said she does have the Facebook page already saved so that no one else can use the name and it is just the matter of launching it. Mr. O'Neil feels it is a decision that needs to be made tonight. He feels Council will need to have a lot of discussion that involves Solicitor Hess. On another note, Mr. O'Neil asked about the lines being painted on West Scioto Street. He said he brought in past pictures that showed there were lines on the road previously. Mayor Hammond told Mr. O'Neil he would have to discuss that with Engineer Grosse. Mr. O'Neil also noted the lines on West Alley were faded and needed to be repainted. Finally, Mr. O'Neil said he had a pothole in front of his house that was repaired. He just wanted to say thank you for getting it fixed quickly.

Mayor Hammond informed Council they had received a memo from Chief Jordan. He said Matthew Greathouse has been sworn in and is currently listed as our 16 hour a week officer. He said we would be getting to the legislation regarding this position in a little bit. Mayor Hammond said there are funds to support the additional hours. He said Officer Greathouse will be in training with Chief Jordan starting this week. Mayor Hammond said the other 30 hour position was filled, however it fell through due to this person taking a job with Pickaway County. Mayor Hammond said we are still looking to fill the 30 hour a week position and it is not limited to a patrolman. It could also be a sergeant position at a higher rate of pay. Mayor Hammond said he has asked Chief Jordan to pursue this position. Mayor Hammond said the Sheriff is also looking to help us fill this position. Mayor Hammond said item 2 of the memo stated that the Chief and Mayor have maintained communication about the police department operations. It stated they worked together to gain Officer Greathouse and are continuing to look for another employee to fill the vacant position. Chief Jordan stated in his memo that he and the Mayor meet at a minimum once a week and maintain more frequent contact by electronic and phone. Mayor Hammond said the final item on the memo was regarding a cruiser. He said we have one vehicle ready to go to the junk yard. Mayor Hammond said Chief Jordan feels very strongly that we need a new vehicle. Mayor Hammond said we had allocated funds, \$ 5,000 or \$ 6,000 a year for when this capital outlay

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became necessary but the decision was made to not budget any funds in the 2014 budget. He said it is a Council decision.

Mayor Hammond informed Council that the trees were done affordably. He said there were a few more signs that needed to be installed. Mr. Wissinger asked what the tree trimming job cost. Mayor Hammond said \$ 2,500. He said they sent two crews in with 5 to 6 men on each crew. They removed 4 trees from Foxfire and trimmed 50+ trees throughout the Village as well as cut down a row of bushes at the intersection of West and South Alleys. Mayor Hammond said they did a great job.

Mayor Hammond said he and Chief Jordan are in constant communication. He said Chief Jordan is giving him information and he is reviewing it. He said as far as he knows, they are having no communication problems.

Legislation:

**Resolution 15-2014 - A RESOLUTION TO CREATE AN ENFORCEMENT AND EDUCATION FUND WITHIN THE 2014 PERMANENT APPROPRIATIONS BUDGET FOR THE VILLAGE OF COMMERCIAL POINT AND DECLARE AN EMERGENCY.** Solicitor Hess explained again that this for money we receive back from the Circleville Municipal Court when we submit an OVI citation. Mr. Wissinger asked if this was money that we would spend on our own department. Solicitor Hess said yes. Solicitor Hess asked Fiscal Officer Hastings for an approximate figure of what she thought would need to be transferred. She said about \$ 1,100. Mayor Hammond asked how far back Ms. Hastings went. She said to 2008. Solicitor Hess said this is a statute that has been around for a long time, however the Village did not have a specific fund set up to receive this money. Mr. Laxton made a motion, seconded by Mr. Sadler to waive the three readings. A roll call vote was taken: Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed. Mr. Geiger made a motion, seconded by Mr. Sadler to adopt Resolution 15-2014. A roll call vote was taken: Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed.

**Resolution 16-2014 – A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.** Mr. Sadler asked Fiscal Officer Hastings if this had to do with the inside/outside millage. She said it did. This was only inside millage money since our outside millage levy failed. She said we receive a total of 2 mills out of the 10 mills that are dispersed amongst our County. She said it amounted to \$ 68,000 that will be budgeted in the General Fund. Mr. Laxton made a motion, seconded by Mr. Sadler to waive the three readings. A roll call vote was taken: Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed. Mr. Laxton made a motion, seconded by Mr. Geiger to adopt Resolution 16-2014. A roll call vote was taken: Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed.

**Ordinance 2014-02 AN ORDINANCE AMENDING THE WORKING HOURS FOR A PART TIME POLICE OFFICER WITHIN THE VILLAGE OF COMMERCIAL POINT POLICE DEPARTMENT.** Mr. Sadler confirmed that this would be amending the previously approved 16 hour position. He asked Mayor Hammond why he wanted this change. Mayor Hammond said Council approved in April of 2013 an employee pay schedule that had a part time police officer position listed as working “less than 30 hours a week”. He said the current Police ordinance and pay schedule do not match. He said the ordinance says one thing and the pay schedule says another. He said in discussions with Chief Jordan, he remembered that we had budgeted for the less than 30 hour a week position to give some flexibility to the scheduling. Mayor Hammond said since we have not filled the position until now, there is money in the budget for the remaining months of this year that we will be able to cover this without moving money. He gave an example that once this person is trained, if one of our other officers needs to take a day off of during their 30 hour work week, this new officer would be able to cover these hours. He said next year, Council will have to appropriate whatever dollar amount they feel is necessary for this position. He said they can control the amount of hours by the amount of funds they appropriate. Mayor Hammond said this would just give the flexibility if another officer is out, the officer in this position could come and fill in. He said he and Chief Jordan will discuss how much this officer would be scheduled. Fiscal Officer Hastings reminded Council that there is still \$ 12,500 in this account for this position since it is just now being filled. Mr. Sadler said he would like to see additional wording in the ordinance to reflect the hours worked over 16 would be due to vacations, short staffing and other short comings of hours. He doesn't want the thought of, we have this extra money, let's schedule the extra hours. Mayor Hammond said that wouldn't happen. He said the reason for the ordinance is two-fold. He said if we don't fill the vacant position, we could use this officer to cover more hours. Mr. Wissinger asked why we don't use the Sheriff. Mayor Hammond said the contract with the Sheriff is over. Mayor Hammond said there has to be a certain amount of discretion and not abuse. He said we have two pieces of documentation that are not compatible. Mayor Hammond said Council can control it by the funding. Mr. Laxton said if we have the money and this person can work the extra hours, so be it. If someone is sick and this

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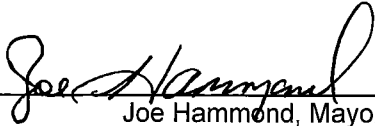
person can fill in, we have the money for this year, go ahead and allow him to work it. Mr. Wissinger asked how many hours of coverage we have now. He confirmed Chief was working 30 and Officer Kelly was working 30. He then asked how many hours of coverage we were getting from the reserve officers. Mayor Hammond said he wasn't sure. He said Mr. Jackson was still active but he wasn't sure of the status of any other reserve officers. Mayor Hammond said he spoke with Chief Jordan today about getting Mr. Jackson to work a little more. He said when he and Chief Jordan were talking about the department, a lot of valid points were brought up with one being the pay scale had more hours available than the current ordinance. He said Council can present a resolution at any time, defund the position or go back and make changes to the employee pay scale for next year. Mayor Hammond said he wasn't trying to add expense; just wanted to add some flexibility. Mr. Geiger asked when Officer Greathouse would be ready. Mayor Hammond said only Chief Jordan could answer that question. Mr. Geiger said the only reason he asked is if Officer Greathouse wasn't going to be ready for a month, why not have the three readings. Mayor Hammond said they could do that, however they would be limiting Officer Greathouse to 16 hours a week for training. Mayor Hammond feels he could be trained quicker if he was here 24 hours a week. Solicitor Hess said there was no emergency language on the proposed ordinance so if it was approved tonight, it wouldn't go into effect for 30 days if Council chose to waive the three readings. Mr. Sadler made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed. There was discussion on making this into an emergency or not. Mr. Geiger said if it would give more hours for training, then he feels it needs to be passed as an emergency. Solicitor Hess said an amendment would need to be approved stating why they were wanting the emergency wording. Mr. Laxton made a motion, seconded by Mr. Sadler to amend Ordinance 2014-02 Section 3 to include emergency language stating the need to ensure safety and welfare for the citizens of Commercial Point by adding additional hours as soon as possible. A roll call vote was taken: Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed. Solicitor Hess said he would get the additional wording added to the Ordinance. Mr. Sadler made a motion, seconded by Mr. Geiger to approve Ordinance 2014-02 as amended. : Mr. Laxton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes. The motion passed.

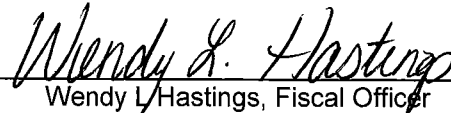
**Business Items:**

- A. Kerry Maher – Mr. Maher introduced himself as the newly elected President of the Scioto Kids Association. He said he was looking for assistance from Council in building a permanent restroom facility to be used by the ball association as well as the Men's Club events. He said the Village hasn't had to build or fund a community park because the Scioto Kid's Association is a self-funded organization. He said they want to continue to provide the community park for the kids to be able to play and adding the permanent restrooms is the next step. Mr. Maher said he was asking for the water tap fee to be waived. He said he didn't know if it was a possibility, however wanted to have an open discussion about what the possibilities are. He said the cost of a water/sewer tap at \$ 11,000, per Mayor Hammond, would more than double their cost of building the facility. He said that figure is out of their budget and would delay them building the facility be a few years. He said any assistance would be very helpful. Mr. Sadler asked if there was a site picked out. Mr. Maher said not at the moment, however they are in discussions with the Men's Club since they are the ones who own the property. He said he has spoken with Dan Hooley, President of the Men's Club, who has had a similar idea with building a restroom facility. Mr. Maher said the location that he proposed would be along the path way, to the left where the port a johns sit now. He said this facility could be used for the Commercial Point Homecoming as well. Mayor Hammond asked if this facility would be located on the Men's Club property. Mr. Maher said it would be the area that the SKA leases from the Men's Club and they would be responsible for maintaining it. Mayor Hammond wanted to confirm that the Men's Club owns the property where this facility would be placed and they would actually own it. Mr. Maher said that was correct. Mr. Maher said he would be meeting with the Men's Club this week to discuss options and budgets. Fiscal Officer Hastings gave Mr. Maher the corrected figure of \$ 9,310 for a water and sewer tap to include a water meter and inspections. She said the additional cost of running the pipes to the tap would be on the SKA. Mr. Sadler asked Mr. Maher if they had the funds now to build the building. Mr. Maher said hopefully by the end of the year. Mr. Laxton asked if a custodial schedule had been thought of. Mr. Maher said they would work that out. Mr. Sadler thanked Mr. Maher for taking the initiative to come to Council.

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Mr. Sadler made a motion, seconded by Mr. Geiger to adjourn the meeting. All members were in favor. The meeting adjourned.

  
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Joe Hammond, Mayor

  
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Wendy L. Hastings, Fiscal Officer